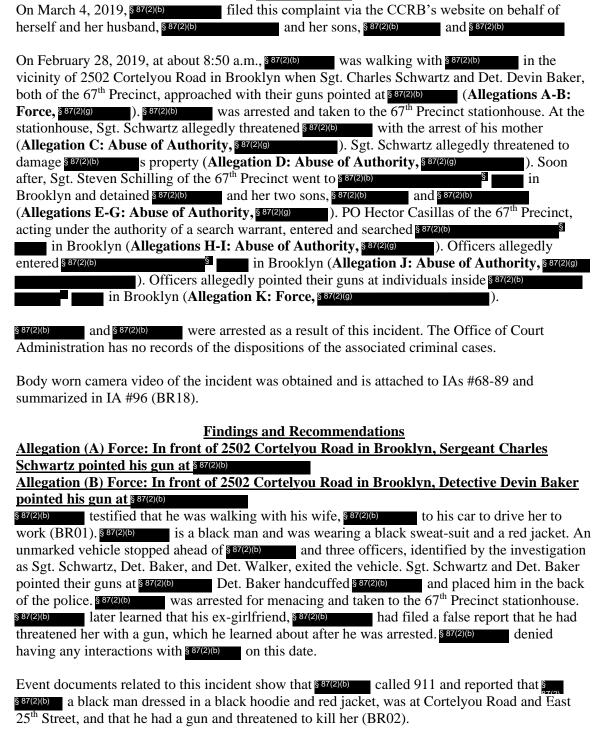
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force		Discourt.	U.S.
Rolando Vasquez		Squad #13	201901942		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	-	F	Precinct:	18	Mo. SOL	EO SOL
Thursday, 02/28/2019 8:50 AM				Ī	67	8.	/28/2020	4/14/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	l:	Date/Time	Rec	eived at CCl	RB
Mon, 03/04/2019 11:53 AM		CCRB	On-line website		Mon, 03/0	4/201	19 11:53 AN	М
Complainant/Victim	Type	Home Addre	ess					
		-						
Subject Officer(s)	Shield	TaxID	Command					
1. Officers			067 PCT					
2. SGT Steven Schilling	01598	951220	067 PCT					
3. DTS Devin Baker	1595	952439	067 PCT					
4. SSA Charles Schwartz	05458	947478	067 PCT					
5. POM Hector Casillas	30712	952552	067 PCT					
Witness Officer(s)	Shield N	Tax No	Cmd Name					
1. POM Davinder Singh	16997	958073	067 PCT					
2. POM Flagumy Valcourt	06178	954389	067 PCT					
3. SGT David Grieco	03830	940216	067 PCT					
4. DTS Matthew Walker	18702	959352	067 PCT					
Officer(s)	Allegation	on			Inve	stiga	ator Recon	nmendation
A.SSA Charles Schwartz		n front of 2502 Cortelyon Charles Schwartz point						
B.DTS Devin Baker		n front of 2502 Cortelyou e Devin Baker pointed h		,				
C.SSA Charles Schwartz		At the 67th Precinct static z threatened § 87(2)(b)	onhouse, Sergeant C with the arr					
D.SSA Charles Schwartz		At the 67th Precinct static threatened to damage §		Charl S	les			
E.SGT Steven Schilling		At 2421 Clarendon Road chilling detained § 87(2)(b)	, in Brooklyn, Serge	eant				
F.SGT Steven Schilling		At 2421 Clarendon Road chilling detained § 87(2)(b)	, in Brooklyn, Serge	eant				
G.SGT Steven Schilling		At 2421 Clarendon Road chilling detained § 87(2)(b)		eant				

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Officer(s)	Allegation	Investigator Recommendation
H.POM Hector Casillas	Abuse: Police Officer Hector Casillas entered in Brooklyn.	
I.POM Hector Casillas	Abuse: Police Officer Hector Casillas searched [8,87(2)] in Brooklyn.	
J. Officers	Abuse: Officers entered § 87(2)(b) in Brooklyn.	
K. Officers	Force: Inside \$87(2)(b) , in Brooklyn, officers pointed their guns at individuals.	

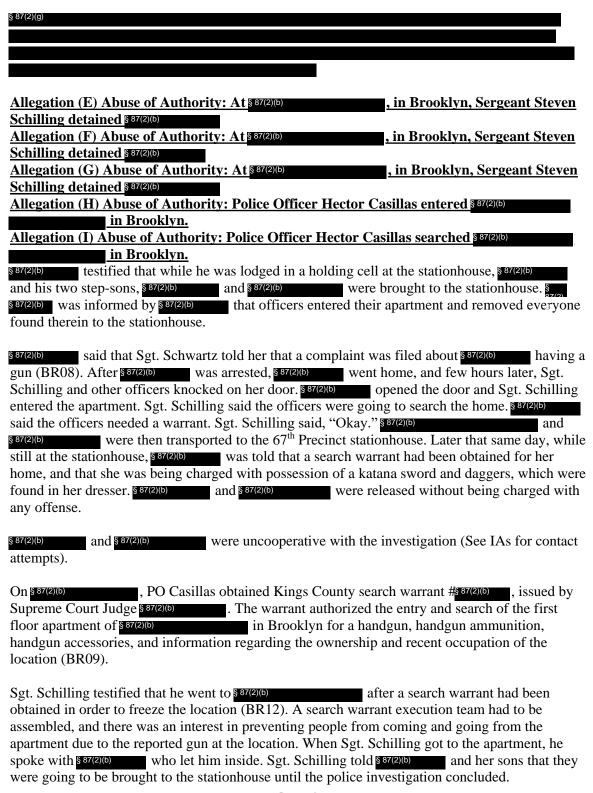
## **Case Summary**



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Starting at 00:30 of Sgt. Schwartz's BWC video player timestamp (visible at the bottom of the screen), Sgt. Schwartz is seen pointing his gun at \$87(2)(6) as Sgt. Schwartz approaches him (BR03). At 00:30 in Det. Baker's BWC video (video player timestamp visible at the bottom of the screen), Det. Baker is seen pointing his gun at \$87(2)(6) as Det. Baker approaches him (BR04). Det. Walker handcuffs \$87(2)(6)
Sgt. Schwartz and Det. Baker provided the following consistent testimony. While on patrol, they responded to the above noted radio run. They encountered \$87(2)(b) who pointed out to them the direction \$87(2)(b) went. \$87(2)(b) got into another patrol car and a canvass was conducted in the area for \$87(2)(b) pointed out \$87(2)(b) to the officers around the corner from where \$87(2)(b) was picked up. Sgt. Schwartz and Det. Baker pointed their guns at \$87(2)(b) as they approached him because, based on the radio run they were responding to, they believed he was armed with a gun and dangerous. The officers holstered their guns after \$87(2)(b) was handcuffed.
The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. <a href="NYPD Patrol Guide">NYPD Patrol Guide</a> , Procedure 221-01 (BR07).
§ 87(2)(g)
Allegation (C) Abuse of Authority: At the 67th Precinct stationhouse, Sergeant Charles  Schwartz threatened \$87(2)(0) with the arrest of \$87(2)(0)  Allegation (D) Abuse of Authority: At the 67th Precinct stationhouse, Sergeant Charles  Schwartz threatened to damage \$87(2)(0) s property.  \$87(2)(0) testified that he was brought to the 67th Precinct stationhouse and lodged in a holding cell. Shortly thereafter, Sgt. Schwartz, Det. Walker, and Det. Baker brought \$87(2)(0) to a separate room. Sgt. Schwartz asked \$87(2)(0) where his gun was. \$87(2)(0) told Sgt.  Schwartz that he did not have a gun. Sgt. Schwartz said, "We're going to lock your mother up
and your mother's going to be in jail if you don't tell us where the gun is." \$\frac{897(2)(0)}{2}\$ told Sgt. Schwartz that his mother was elderly. Sgt. Schwartz said he did not care and that, "If you don't tell me about the guns, if you don't tell me what's going on with the guns, we're going to destroy your house. We're waiting for the warrant; the warrant's coming in."  Sgt. Schwartz, Det. Baker, and Det. Walker all testified that \$\frac{897(2)(0)}{2}\$ was debriefed in the

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residence for which a valid search warrant has been obtained. Boyd v. City of New York, 19 A.D. 3d 683 (2017) (BR14). Allegation (J) Abuse of Authority: Officers entered § 87(2)(b) Brooklyn. Allegation (K) Force: Inside § 87(2)(b) ■ in Brooklyn, officers pointed their guns at individuals. testified that he heard from another resident of the building that officers entered the third floor studio apartment of his apartment building and pointed their guns at the occupants inside. § 97(2)(b) did not have identifying information or contact information for the residents of the third floor of \$37(2)(b) and these individuals were unavailable to the investigation (See IAs for contact attempts and database searches). None of the BWC footage captures officers going to the third floor of the apartment building. Sgt. Schwartz, Sgt. Schilling, Det. Baker, and Det. Walker testified that they had no knowledge of any officer going to the third floor of the building, and they each denied doing so themselves. **Civilian and Officer CCRB Histories** This is the first complaint to which § 87(2)(b) are a party (BR15). • Sgt. Schwartz has been a member of the service for 11 years and has been a subject in eight CCRB complaints involving 16 allegations, none of which were substantiated. Det. Baker has been a member of the service for seven years and been a subject in 13 CCRB complaints involving 27 allegations, none of which were substantiated. Sgt. Schilling has been a member of the service for eight years and has been a subject in two CCRB complaints involving three allegations, none of which were substantiated.

Officers may enter and search premises for which they have obtained a valid search warrant. New York Criminal Procedure Law, Article 690.50 (BR13). Officers may detain the occupants of a

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PO Casillas has been a member of the service for seven years and has been a subject in five CCRB complaints involving 11 allegations, none of which were substantiated.

## **Mediation, Civil and Criminal Histories**

- This complaint was unsuitable for mediation.
- The NYC Office of the Comptroller has no record of a Notice of Claim having been filed about this incident (BR16).

•	§ 87(2)(b)

Squad No.: <u>13</u>

Investigator: Rolando Vasquez SI Rolando Vasquez 04/21/2020 Print Title & Name

Signature Date

Laura Kastner Squad Leader: IM Laura Kastner 04/21/2020

Signature Print Title & Name Date

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